

Mayor Bill Seuell called the meeting to order at 7:00 p.m. Also present were Councilmembers Mary Cooper, Jim Berger, and Robert Jurca, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. Councilmember Kay Carlquist was absent. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to approve the minutes of January 16, 2007 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Mark Youngwirth addressed Council about the recent annexation of the Northeast Garnet Addition (an enclave which was annexed on January 16, 2007). He made several suggestions concerning notification and using an emergency ordinance, among other things, for future annexation proceedings. City Manager Sloan invited Mr. Youngwirth to come into City Hall and visit with him about his concerns.

Brian Cambria of the Delta Area Chamber of Commerce reported that the Chamber's annual banquet and meeting will be held at the Delta Fireside Inn on February 23. He added that the Home, Garden and Recreation Show is scheduled for March 23 & 24 at Heddles Recreation Center.

Historic Preservation Board and Library Committee Appointments

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to appoint Kathleen Davis and Charles Burruss to the Historic Preservation Board. All in favor, motion carried.

Mayor Seuell explained that the person who was scheduled to be interviewed for the Library Committee vacancy was unable to make it for her interview earlier in the evening. Therefore, the Library Committee appointment will be rescheduled.

Board and Committee Member Recognition

Council recognized the following outgoing Board and Committee members: Jim Wetzel of the Historic Preservation Board; Richard Nunamaker of the Tree Board; Debi Groda, Larry Hudnall and Jean Lemon of the Public Art Committee; and Pat Beil and Ethel "Lale" Jackson of the Library Board.

Police Officer Commendation

Police Chief Rich Bacher commended Officer Jesse Stanford for his handling of a recent incident when he arrested an armed suspect following a routine traffic stop. Chief Bacher stated that Officer Stanford subdued the suspect without incident and confiscated a number of weapons.

Public Hearing: Uptown Wines Retail Liquor Store License Change of Location Permit Application

Mayor Seuell recessed the regular meeting and opened the public hearing.

The Clerk reported that when Delo and Barbara Arellano recently purchased Uptown Wines from Donald Morris, it was their intention to move the business from its current location at 365 Main Street to a building they own at 436 Main Street.

Regular Meeting, Delta City Council, February 6, 2007 (Cont.)

Public Hearing (Cont.)

State law requires a public hearing before a change of location for a liquor license can be approved. The new location (436 Main) was posted with a notice of tonight's hearing, and notice was published in the *Delta County Independent* at least ten days prior to the hearing. A copy of the Arellanos' Warranty Deed for the new location has been provided, along with a diagram of the new premises.

The Mayor called for public comment. When there was none, he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Berger and seconded by Councilmember Cooper to approve the change of location application submitted by Delo and Barbara Arellano for Uptown Wines. All in favor, motion carried.

Liquor License Renewals: Stockyards Restaurant Hotel/Restaurant Liquor License; Stop 'n' Save 3.2% Beer License

The Clerk explained that both renewal applications were complete and that the required fees had been paid on both. The Police Department's reports indicated no liquor code violations for either applicant during the past year and recommended approval of both renewals.

It was moved by Councilmember Berger and seconded by Councilmember Cooper to approve the Hotel/Restaurant Liquor License renewal application for The Stockyards Restaurant. All in favor, motion carried.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the 3.2% Beer License renewal application for Stop 'n' Save. All in favor, motion carried.

Council Bill #5, 2007; First Reading: Changing the Zoning Designation of Lot 1, W&R Brown Subdivision

Community Development Director Glen Black reported that applicant Stone Mountain Holdings has requested rezoning of the W&R Brown Subdivision, Lot 1, Lot Split, which is located at 751 1525 Road, south of Stone Mountain Village Subdivision. The 44-acre Lot 1 of the W&R Brown Subdivision has been split into two separate lots, with Lot 1A (33.5 acres) lying directly south of Stone Mountain Village, and Lot 1B (10.5 acres) lying adjacent to and north of Highway 50. The applicant plans residential development for Lot 1A, and is requesting a change of zoning to R-1A. Commercial development is planned for Lot 1B, for which B-2 zoning is requested. The entire parcel is currently zoned A-1.

The Planning Commission reviewed the request at their meeting on December 4, 2006, and recommended approval of the rezoning request for both lots.

Council Bill #5, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CHANGING THE ZONING DESIGNATION OF LOT 1, W&R
BROWN SUBDIVISION FROM AND A-1 DISTRICT TO A B-2
DISTRICT AND AN R-1A DISTRICT

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Berger to adopt Council Bill #5, 2007 on first reading. Roll call vote: Councilmembers Cooper, aye; Berger, aye; Jurca, aye; and Seuell, aye. Motion carried.

Cherrywood Villas II PUD Final Plat

Director Black explained that this site is located at Rainier Lane and Cherry Lane, just east of Pioneer Road. The Planning Commission approved the preliminary plat on July 11, 2005. Staff has reviewed the final plat and has found it to be in substantial compliance with final plat requirements.

Regular Meeting, Delta City Council, February 6, 2007 (Cont.)

Cherrywood Villas (Cont.)

In response to a question from Councilmember Berger, Public Works Director Jim Hatheway addressed plans for future improvements to Pioneer Road and Cherry Lane. Some of the improvements for this PUD will be secured until they can be installed in conjunction with those future improvements.

Discussion next turned to the necessity of requiring placement of monuments in Rainier Lane. City Code Section 16.04.070(J) appears to require placement of numerous monuments within a relatively short distance due to the curving design of the street. Marla Cinnamon, representing CinaJones Land, LLC (the owner/developer), asked for a variance to this requirement.

City Attorney Schottelkotte advised Council that a variance cannot be granted for such a requirement. He added that unless the matter is one of interpretation, the developer must be required to place the monuments as stated in the City Code.

After discussing the matter further, it was decided that the question of placement of monuments in Rainier Lane could be addressed in the Subdivision Improvements Agreement.

It was moved by Councilmember Berger and seconded by Councilmember Cooper to approve the Final Plat for Cherrywood Villas II PUD with the following conditions:

- All corrections must be made to the redlined plat and signed mylars submitted to the City;
- All corrections to as-built drawings must be made and one stamped set of mylars and one stamped paper copy must be submitted to the City;
- All landscaping, paths, benches, and the irrigation system must be secured through a Subdivision Improvements Agreement (SIA);
- The sewer line in Cherry Lane must be corrected and pass final inspection;
- Final covenants must be approved to be recorded with the plat;
- Survey monuments must be installed;
- All requirements of the Delta Municipal Code must be met.

All in favor, motion carried.

Terrace View Subdivision Final Plat

Mr. Black explained that the Terrace View Subdivision is located between 7th Street and Cherry Lane, just east of the Cherrywood Villas PUD. The preliminary plat was reviewed and approved by Council on May 16, 2006. Staff review has found the final plat to be in substantial compliance with final plat requirements. Outstanding issues include certification of detention pond volume by the engineer, completion of final pond grading, installation of mats on sidewalk ADA ramps, completion of landscaping on 7th Street (area of the detention pond), and payment of the PLP (payment in lieu of parks) fee.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the Final Plat for Terrace View Subdivision with the following conditions:

- All corrections must be made to the redlined plat and signed mylars submitted to the City;
- All corrections to as-built drawings must be made and one stamped set of mylars and one stamped paper copy must be submitted to the City;
- Engineer must certify detention pond volume;
- All landscaping along 7th Street and final pond grading must be completed;
- Mats must be installed in the sidewalk ADA ramps;
- Payment in lieu of parks fees must be paid (\$15,639);
- Final covenants must be approved to be recorded with the plat;
- Survey monuments must be installed;
- All requirements of the Delta Municipal Code must be met.

All in favor, motion carried.

Regular Meeting, Delta City Council, February 6, 2007 (Cont.)

Fort Uncompahgre Fees

Culture and Recreation Director Wilma Erven asked Council to consider increasing admission fees for Fort Uncompahgre by 50 cents. She explained that school group tour fees have remained at \$2.00 per person since the Fort opened. Self-guided tours, which began in 2005, have remained at their original \$3.00. Director Erven added that she did not anticipate that the requested fee increase would adversely impact the number of visitors to the Fort.

It was moved by Councilmember Cooper and seconded by Councilmember Berger to adopt a fifty-cent increase for the fees at Fort Uncompahgre. All in favor, motion carried.

Animal Shelter Remodel Bids

Police Chief Bacher explained that bids have been requested for a remodel and addition to the existing Animal Control Building, with the result that bids were received from Tusca II, Inc. and Ridgway Valley Enterprises. The project was bid in three components – the remodeling, the addition, and a wash bay facility for the Public Works Department. The bids received for the addition were over the budgeted amount, so it was decided to pursue only the remodel at this time.

Chief Bacher reported that Tusca II bid \$43,000 for the remodel, while the Ridgway Valley bid was \$60,950. Staff recommended awarding the contract to Tusca II for the remodel.

City Manager Sloan added that the plan is to complete the remodel - which is urgently needed for the safety of the animals - as soon as possible. Later this year, an addition will be built. The 1989 Kay Douglas bequest will be used to fund both the remodel and the addition, with additional funds being added if necessary.

It was moved by Councilmember Cooper and seconded by Councilmember Berger to enter into a contract with Tusca II, Inc. for the remodel of the Animal Control Building in the amount of \$43,000, and to authorize the City Manager to sign the contract once approved by the City Attorney. All in favor, motion carried.

Proclamation: Career and Technical Education Week

The Mayor read a proclamation naming the week of February 2 through 9, 2007 as *Career and Technical Education Week*.

Ordinance #3, 2007; Second and Final Reading; Initial Zoning for Oak Tree Addition No. 1

Ordinance #3, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING INITIAL ZONING FOR THE OAK TREE ADDITION
NO. 1

was introduced as Council Bill #3, 2007, and read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to adopt Council Bill #3, 2007 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Berger, aye; Jurca, aye; and Seuell, aye. Council Bill #3, 2007 was adopted on second and final reading as Ordinance #3, 2007.

Ordinance #4, 2007; Second and Final Reading; Initial Zoning for Oak Tree Additions No. 3, 4, 6, 8, 10-12, and 17-19; Orchard View Addition; and South Garnet Addition No. 3

Ordinance #4, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING INITIAL ZONING FOR THE OAK TREE ADDITIONS
NO. 3, 4, 6, 8, 10-12, AND 17-19; THE ORCHARD VIEW
ADDITION; AND THE SOUTH GARNET ADDITION NO. 3

was introduced as Council Bill #4, 2007, and read by the Clerk.

Regular Meeting, Delta City Council, February 6, 2007 (Cont.)

Ordinance #4, 2007 (Cont.)

It was moved by Councilmember Berger and seconded by Councilmember Jurca to adopt Council Bill #4, 2007 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Berger, aye; Jurca, aye; and Seuell, aye. Council Bill #4, 2007 was adopted on second and final reading as Ordinance #4, 2007.

Other Business to Come before Council

Region 10 Representative

With regard to the City's Region 10 representation, which was discussed at the January 16th meeting, the Mayor reported that Region 10's bylaws do NOT require the entity's representative to be an elected official. However, given the current makeup of the Region 10 Board, it would probably be better if Delta's representative continues to be an elected official. Thus, Mr. Seuell volunteered to be the City of Delta's representative on the Region 10 Board.

Community Affordable Housing Project

Councilmember Berger reported that there will be a community meeting on March 16 at Heddles Recreation Center to discuss the Community Affordable Housing Project.

City Attorney Comments

Attorney Schottelkotte requested an Executive Session at the completion of the regular meeting agenda to discuss a matter of attorney/client privilege.

The City Attorney, with assistance from Community Development Director Black, addressed some of the questions raised during Citizen Comments by Mr. Youngwirth.

City Manager Comments

City Manager Sloan asked for an Executive Session to discuss matters related to the possible sale of City-owned property at the Upper White Ranch and adjacent to the golf course.

Councilmember Comments

Councilmember Cooper had attended a recent Delta Area Development (DADI) meeting. She reported that a number of new businesses are interested in the Delta area.

Councilmember Berger reported attending the following meetings:

- Library Committee – There are still vacancies on this Committee. The discussion centered on the Committee's reasons for continuing to meet regularly.
- Delta County Housing Task Force – The Task Force heard a report on meth use in Delta County from Keith Lucy of the Delta County Health Department and discussed the budget for the housing rehab program.
- Delta Housing Authority – The DHA reported a positive cash flow for 2006. The financial picture looks good for 2007 as well.

Councilmember Jurca reported that the Parks and Recreation Board meeting scheduled for February 14 has been cancelled.

Mayor Seuell reported that he had attended his first meeting of the Region 10 Board.

Executive Session

It was moved by Councilmember Berger and seconded by Councilmember Jurca to convene an Executive Session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions pursuant to CRS 24-6-402(4)(b), and for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS 24-6-402(4)(a); or more specifically, the possible sale of City-owned property at the Upper White Ranch and adjacent to Devil's Thumb Golf Course. All in favor, motion carried.

At 8:25 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

Regular Meeting, Delta City Council, February 6, 2007 (Cont.)

Executive Session (Cont.)

At 8:50 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Robert Jurca, Mary Cooper and Jim Berger, along with City Manager Lanny Sloan, Assistant City Manager Steve Glammeyer, and City Attorney Mike Schottelkotte. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

Mary Lynn Williams, CMC, City Clerk